

APPROVED: Meeting No. 42-85

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 39-85

August 5, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, August 5, 1985, at 8:00 p.m.

PRESENT

Mayor Viola Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman John Tyner, II

ABSENT

Councilman Peter Hartogensis
(on vacation)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; City Clerk Helen M. Heneghan

Re: City Manager's Report

Mr. Blick reported the following:

1. The New Rockville Town Center Partnership is still on schedule for beginning construction of the Town Center Hotel by September 1. The Use Permit has been applied for and granted. The storm water management waiver will be on next week's agenda. Plans are to settle on the property during the last week of August and then begin excavation. An agreement to use a portion of the City's parking garage is presently being negotiated.

2. The data processing staff has completed automation of the Recreation Program registrations. A copy was handed out this evening for review.

3. Mr. Blick introduced interns working as Research Assistants for ICMA. They are Dan Nessenbaum, Director of Inquiry Services; Karen Schugjer, Christina Santorini, and Christine Kubo.

4. The Recreation Department will be offering a new program this fall to Rockville teens who are classified as learning disabled. It will be offered as a cooperative program with Montgomery County Recreation Department. Civitan notified the City that they will fund the program up to \$2,000.

5. The City Manager made the following statement: "Even though it is exciting and a great pleasure to receive an opportunity for advancement in ones chosen profession, it was difficult and painful today to call each member of the Mayor and Council to tell you that I would be resigning to become City Manager of Colorado Springs, Colorado. It has been a pleasure in serving you and the Mayors and Councils of Rockville during the past twelve and a half years. It will be particularly difficult to leave the extraordinary and talented staff we have here. No City Manager could ask for a better staff to work with. The people of Rockville are perennially All American. It has been a pleasure to serve them. It has taken an exceptional offer to get us to leave this fine City. As an aside, Rockville has been a wonderful home for our family in the past twelve and a half years. We owe you and all the people of this City a debt of gratitude for what you have given us. The expressions of support we have received over the past two weeks have been overwhelming and will long be remembered."

The Mayor praised Mr. Blick for his long dedication to the City as the City Manager and his extracurricular activities and family involvement with the PTAs. Councilman Tyner echoed the Mayor's statements and mentioned Mr. Blick's work

with Public Technology. Councilman Abrams agreed and noted that when the Mayor and Council looked good it was due to Mr. Blick. Councilman Duncan agreed and said he is delighted at the opportunity that Mr. Blick has been given.

Re: Appointments

Mayor Hovsepien made the following Appointments:

Cultural Arts Commission: Marilyn Scott - appointed Chairman - one year term
effective 9/1/85

New Horizon Task Force:

Mae Culp
Parklawn Asian Community
2835 Aquarius Avenue
Silver Spring, MD 20906

Robert Dorsey
Human Rights Commission
7 Hull Place
Rockville, Maryland 20851

Lloyd Welter
Human Rights Commission
407 Hull Place
Rockville, Maryland 20852

Carole Tanyer-Cohen
Housing Authority
1707 Farragut Avenue
Rockville, Maryland 20852

Caroline Wilson, President
RHA Residents Association
35 Moore Drive
Rockville, Maryland 20850

Frances Thompson, Citizen
727 Monroe Street, #301
Rockville, Maryland 20850

Rev. Albert Moser, Jr.
Jerusalem United Methodist Church
17 Wood Lane
Rockville, Maryland 20850

Mary Vaarwerk
Landlord/Tenant Affairs Commission
4306 Ambler Drive
Kensington, Maryland 20895

Ardell Shirley, Citizen
605 Douglass Avenue
Rockville, Maryland 20850

Roderick Loss, Developer
9805 Wilden Lane
Rockville, Maryland 20854

Regina McAndrew
Peerless Rockville Historic
Preservation Ltd
208 West Montgomery Avenue
Rockville, Maryland 20850

William Holder, Manager
Union Trust Bank
10 North Washington Street
Rockville, Maryland 20850

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Ardelle Shirley, 605 Douglass Avenue. Ms. Shirley expressed her appreciation for the participation of the Mayor and Council at Lincoln Park

Community Day on July 27. She said it was a most successful venture and she thanked them for coming.

2. Al Mohorn, 708 Carr Avenue. Mr. Mohorn echoed Ms. Shirley's statements and said he would like to specifically compliment the Police Chief for the manner in which he worked with the community and conducted himself and the force.

3. Rosemary Elmore, 5904 Halsey Road. Ms. Elmore expressed her chagrin and the frustration of the neighborhood with the problems that exist in the neighborhood. She asked again for help from the Mayor and Council as she has in the past. The Mayor and Council asked the City Manager to please outline the options available to the City in dealing with this. Chief Stout addressed the Council and said the staff is currently looking around the country for laws regarding behavioral standards in single family homes. The City Manager said he and the staff will get back to the Council with some recommendations soon.

4. Richard Arkin, 525 Lynch Street. Mr. Arkin said Mr. Blick will be a tough act to follow because of the individual attention he gave to problems. Mr. Arkin addressed the Council on transportation for City camps and explained that in the College Gardens area there are approximately 2 dozen children picked up at a fire hydrant with no shelter at a location where crossing a street is necessary. He suggested that the staff look into picking up the children at the College Gardens Elementary School.

Mr. Arkin addressed the Council concerning citizens forum which is unique and keeps government close to the citizens. He said although it is televised live on Monday nights, he thinks it should be included in the rebroadcast and not cut from that program. The Mayor and Council discussed this at length with Mr. Arkin. The Mayor and Council agreed the rebroadcasting should be continued as it is presently done.

5. James Moone, 1404 Potomac Valley Road. Mr. Moone said he not only loses a City Manager but loses a neighbor. He brought to the Council's attention a serious problem of speeding on Falls Road and Maryland Avenue. He said the traffic began picking up about one month after Metro was in operation and it should be looked into.

6. Albert Mohorn. Mr. Mohorn, in listening to the problems expressed by the neighbor from Twinbrook suggested that the police might look into a foot patrol as was instituted in Lincoln Park to control juvenile violence there.

Mayor Hovsepien complimented all of the staff who worked on Appreciation Night which was a tremendous success. She expressed the appreciation of the Mayor and Council to Mrs. Heneghan for her work.

Re: Award of Contract:
 Bid No. 12-86,
 Installation of
 Sidewalks - Martins
 Lane and West Ritchie
 Parkway

Bids were opened at 3:00 p.m. Tuesday, July 16, 1985, in the City Hall Council Chambers. The bid included two separate projects for installation of sidewalks on (a) the southside of Martins Lane from North Washington Street to Mannakee Street and (b) the westerly side of West Ritchie Parkway from Fallsmead Way to a connection with the existing walkway at the bridge at Wootton High School.

Four companies picked up bid documents and, of that number, three submitted bids, as follows:

	<u>Martins Lane</u>	<u>W. Ritchie Pkwy</u>
Lisbon-Maderia, Ltd., Kensington, MD	\$ 71,143.00	\$17,690.00
Nazario Construction Co., Beltsville, Md	118,050.00	\$18,530.00
Pickens & Sons, Inc., Clarksville, MD	154,935.00	\$32,726.00
Engineer's Estimate	\$ 79,510.00	\$19,410.00
Budget Appropriation	\$ 85,100.00	\$84,000.00

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The prices presented by the low bidder on both projects, Lisbon Maderia, Ltd., are less than the Engineer's estimates and the budget appropriations. The large appropriation on the Ritchie Parkway project was due to the potential need for extensive reinforced concrete retaining walls. During design, the staff determined that only minimal walls would be required and those were established in a manner to allow use of relatively inexpensive timber walls, thereby substantially reducing the project cost.

The low bidder, Lisbon Madeira, Ltd. is an experienced contractor in this type of work and has performed satisfactorily for the City on similar types of projects in the past.

It is recommended that this contract be awarded to the low bidder, Lisbon Madeira, Ltd., in the amount of their low bids of (a) Martins Lane - \$71,143.00 and (b) West Ritchie Parkway - \$17,690.00.

On motion of Councilman Duncan, duly seconded, and passed by unanimous vote of all present, Bid No. 12-86 for sidewalks on Martins Lane and W. Ritchie Parkway was awarded to Lisbon Madeira in the amount of \$71,143 for Martins Lane and \$17,690 for West Ritchie Parkway.

Re: Adoption of Resolution:
Pursuant to Article XI-E
of the Constitution of
Maryland, Section 13 of
Article 23A of the
Annotated Code of Mary-
land, and the Charter of
the City of Rockville to
amend Section 5 of Article
III of the Charter so as
to provide that a vacancy
occurring in the office of
the Mayor within the first
six months of the term
shall be filled by special
election

Councilman Abrams presented four alternative proposals for the selection of Mayor and asked that they be scheduled for public hearing. He then so moved.

Councilman Tyner seconded the motion. The City Attorney suggested the Mayor and Council might prefer to have an informal hearing. The Council discussed the proposals and the fact the City Attorney thought there might be some additional Charter changes necessary with some of them. He suggested drafting the resolutions for the next Council meeting and after the Council has had time to review them, introduce them for a public hearing. Councilman Abrams withdrew his motion. The seconder, Councilman Tyner, agreed.

Councilman Abrams moved, duly seconded, that the Resolution on the agenda to provide for a vacancy in the office of the Mayor be rejected and the staff be instructed to prepare the necessary legal documentation for at least two and maybe four Charter amendments that the Council can introduce for a public hearing. The motion passed by a unanimous vote of all present.

Re: Adoption of
Resolution: To Adopt
Housing Goals for
Rockville

Resolution No. 19-85

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the Mayor and Council adopted the Housing Goals for Rockville. Councilman Tyner thanked staff member Ed Duffy for his work. Mayor Hovsepien commended Mr. Duffy for his efforts and noted that this new policy is something good for Rockville.

Re: Revisions to 86-91
Capital Improvements
Program

The Mayor and Council noted that this was given to them this evening just for information. Councilman Tyner pointed out a typographical error. Under the F. Scott Theatre project, the developer was charged with the funding instead of the State of Maryland. The Mayor and Council accepted the document.

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Re: Reconsideration of
Storm Water Manage-
ment Waiver of on-
site construction -
Srour property -
Hungerford Drive

At its June 24 meeting the Mayor and Council approved a SWM waiver for 401 Hungerford Drive. Prior to the staff recommendation a study was completed and a recommendation made that SWM rates be increased from \$12,000 per acre to \$20,000 per acre.

Because of the pending rate change, staff recommended that the Mayor and Council grant the on-site waiver request and accept a contribution in two parts consisting of \$19,680 now (1.64 acres at \$12,000) and an additional \$15,120 (1.64 acres at \$20,000 less the \$19,680 paid) when the new rate is established.

During citizen's forum of July 8, the developer, Farid Srour of Hungerford Office Building at 401 Hungerford Drive, asked the Mayor and Council to reduce his storm water management fee.

On July 15, Mr. Srour wrote a letter to the City Manager appealing the SWM amounts.

Mr. Srour's least expensive on-site alternative is \$43,960; the off site contribution based on the staff recommendation would not exceed \$32,000; and once Mr. Srour's off-site fee is paid there would be no further cost to Mr. Srour for the upkeep and maintenance of the City's off-site facility.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, reconsideration was denied.

Re: Approval of
Montgomery County
Cable Television
franchise amendment

The County Executive and Tribune-United have reached agreement on an amendment which provides for:

1. A price reduction from \$7.95 to \$5.00 per month for a second cable connection.
2. Premium services paid for on the first connection will be free on the second connection.
3. The installation at "one-time cost of equipment only" (about \$6.00) of an A-B switch for more flexible use of the TV and VCR.
4. The availability of a set-top channel selector with a complete keypad instead of a scrolling type channel selector.
5. A revised Institutional-Business Network (I-Net) that extends the reach of I-Net services while reducing construction cost.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the amendments.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 36-85, July 3, 1985, were approved as written.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 37-85, July 15, 1985, were approved as written.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Hal Kassoiff, DOT, re location and design for Kitchie Parkway
2. Kelly Lyn Giles, re thank you for scholarship
3. Owings England, re traffic on Argyie Street

Councilman Duncan asked the staff to report back on the possibility of restriping the street.

4. Anne K. Heath, re trash collection

The Mayor asked that the City Manager get back with a report.

5. State Ethics Commission re ethics seminar - 10/6/85
6. C. L. Short, Dept. of Family Resources, re thank you for contribution

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7. Robert B. Lewis, re Permit Parking on Fletcher Place
 Regina Murphy, re " " " " "
 Mr. & Mrs. Premo, re " " " " "
 Lucille Garey, re " " " " "

8. Congressman Barnes, re Revenue Sharing

9. COC, re Voter Registration Month

The Council agreed this should be placed on next week's agenda

10. P. Marcuccio, RHA, re reappointment of Carole Cohen

11. County Executive re funding of CDBG program

12. Dr. Cody, re acknowledgement of comments on Area 2 Alternatives

Councilman Tyner asked that the timeframe be printed in the Newsletter.

13. L. Welter, HRC, re HUD conference

14. A. Andrews, re thank you for party

15. F. T. Baker, re Tribune United Cable Service

16. Department of Natural Resources, re Open Space Funding of Lone Oak Park

Councilman Duncan said he was glad to see that money come forward.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from CDHA (7/23/85) re North Rockville School site

Councilman Tyner asked that this be sent to Mr. William Hickman in College Gardens.

2. Memo from City Manager (7/19/85) re Limits on Public Official Liability

Councilman Duncan asked that a copy be sent to the Maryland Municipal League.

3. Memo from City Manager (7/26/85) re Search for Excellence Committee Recommendations

The Mayor commended the City Manager and the staff and noted the excellent ideas that came out of this committee.

4. Memo from PW (7/26/85) re Crosswalks on Ritchie Parkway-Paulsboro and Greenplace

5. Letter to HADID approving Use Permit for Hotel/Office construction

6. Memo from BMO (7/16/85) re Demographics and Proposed Tax Reform

7. Memo from City Attorney (7/22/85) re suit against the City
8. Copy of letter to Montgomery County re Ride-On
9. Recreation and Parks Project List
10. Memo from PW (7/18/85) re Scott Drive Bridge Replacement
11. Memo from City Attorney re Revisions to the Ethics Ordinance

Councilman Duncan asked the City Attorney to go ahead and send these revisions to the State.

12. Copy of letters to Dr. Cody re school issues
13. Letter complimenting staff
14. Copy of letter to Civic Associations re changing of street names
15. Senior Center Newsletter
16. Review of Fletcher Place Parking Permit District

Councilman Duncan asked that Mr. Hobbs' recommendation be followed and this entire report be sent out to interested parties and the item be placed on an agenda in the fall.

17. Archive Report - Phil Cantelon

The Mayor asked the status. The City Clerk said the Contract Officer is preparing a request for proposals.

Re: New Business

1. Councilman Abrams referred to a memo from the staff on growth on the I-270 corridor. Since statements were made by Councilman Scull concerning the City's planning, he suggested Mr. Scull should have more information before he speaks on these items. Perhaps a dialogue would be more important than publicity. Mayor Hovsepian suggested that a letter be drafted in response.

2. Councilman Duncan asked if prior to the Mayor and Council's work session on cable television, staff explore the idea of forcing Tribune-United to stop expansion until the defects are corrected. Councilman Abrams said that might be difficult because along with complaints from people who have it there are complaints from people who don't.

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3. Mayor Hovsepian asked for the information on Caregivers which should have been forwarded to the Councilmembers. The Council agreed that September could be declared Caregivers' Month and the information will be forthcoming.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session in order to discuss personnel and consultation with counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the Meeting was adjourned at 10:20 p.m. to convene again in general session on Monday, August 12, 1985, at 8:00 p.m. or at the call of the Mayor.